

Deficiency Progress Report- Update 1

Received December 22, 2009

To complete the evaluation process, Cal/EPA requires the CUPAs to submit Deficiency Progress Reports that explain the CUPA's progress towards correcting the identified deficiencies. Deficiency Progress Reports are due every 90 days after the evaluation date until all deficiencies have been corrected.

CUPA: Lassen County Environmental Health

Evaluation Date: September 15 & 16, 2009

Evaluators:

Cal/EPA: Mary Wren-Wilson

SWRCB: Terry Snyder

CalEMA: Jack Harrah

Date Update 1 submitted: December 22, 2009

Deficiencies corrected with Update 1: 3, 4

Deficiencies remaining: 1, 2, 5, 6

Next Update due date: March 16, 2010

Date Update 2 due: March 16, 2010

Deficiencies corrected with Update 2:

Deficiencies remaining:

Next Update due date:

Deficiency 1: The CUPA has not fully implemented the Underground Storage Tank (UST) program as mandated in Health and Safety Code and California Code of Regulations.

Preliminary Corrective Action(s): With the first Update report, due on December 15, 2009, the CUPA will submit an action plan outlining how the CUPA will ensure that the UST program is fully implemented. By the fourth Update report due September 17, 2010, all UST facility files will be updated with the new Forms A (Facility Information), B (Tank Information), D (Monitoring), E (Response Plan) and plot plans which contain new fields of information from the old forms. In addition, Certification of Compliance/Designated Operator and other forms shall be submitted as needed.

CUPA Corrective Action, (Update 1): The Lassen County CUPA conducted an evaluation of the Lassen County Department of Agriculture's UST Program, including file reviews, staff interviews and conducted a joint UST inspection of a permitted facility. Since the evaluation, this office was notified that the Lassen County Agriculture Department is not a CAL/EPA approved Participating Agency (P.A.), and the Lassen County Environmental Health

Department is responsible for the UST program in Lassen County. This office met with the Lassen County CAO, and the Ag Director to discuss the UST Program issue and the desire of the Lassen County Environmental Health Department to take back the UST Program. As the County has not yet received a final version of the CUPA Evaluation, the County CAO wants to wait until the final evaluation is received before making a final decision on the UST Program.

The Lassen County Ag Department does not have an ICC certified UST inspector. The Lassen County CUPA has an ICC Certified UST Inspector that is training a new CUPA UST Inspector, and together they have been conducting the UST inspections for Lassen County (some in conjunction with the Ag Department). The CUPA has inspected eight (8) of the 18 UST facilities in the county in conjunction with the Annual Monitoring Certification personnel. A check list for UST inspections has been developed and implemented, and Notice to Comply Inspection Reports are also being issued to owners/operators at the time of the inspection.

The CUPA evaluation stated that all of the UST facility files must be updated by September 15, 2010. The CUPA has reorganized all of the Ag Department's UST files into user friendly, multi tabbed files that are consistent from facility to facility. During the UST inspections, the owner/operators are given the new updated UST forms to be completed and returned to the CUPA, this practice will continue as UST facilities are inspected. The next UST facility inspections are scheduled for January and February in conjunction with the facility's Annual Monitoring Certification.

Due to State furloughs and travel restrictions, Terry Snyder, with the SWRCB, was not able to find time in his schedule to conduct an oversight inspection by November 18, 2009 as per the evaluation. CUPA staff will continue to advise him of upcoming inspections so he can schedule and to conduct the oversight inspection.

When the final CUPA evaluation is received by Lassen County, the Environmental Health Department will schedule a meeting with the County CAO to further discuss the option of moving the UST Program to the Lassen County Health Department (CUPA).

SWRCB Response: The SWRCB appreciates the efforts the CUPA has taken to get the UST program back on its feet and running smoothly. With the next update, please provide a brief Action Plan including the steps you have and are taking to ensure the UST program's success. The SWRCB would like to conduct an Oversight Inspection that was not able to be scheduled due to the SWRCB evaluator's schedule. Evaluator will be available starting in late February. Also, after/before on the day of the

oversight, the SWRCB would like to review the UST facility files to check on the progress being made with these records.

Deficiency 2: The CUPA has not met the three-year inspection frequency for business plan facilities.

Preliminary Corrective Action(s): With the first Update report due on December 15, 2009, The CUPA will submit an action plan to ensure that inspection frequency is maintained.

By September 16, 2010, the CUPA will inspect one-third of its total regulated businesses.

CUPA Corrective Action, (Update 1): Please refer to the attached **Inspection Frequency Action Plan**. Items 1 through 5 have either been completed, and or are in the implementation process. The Lassen County CUPA has completed a review of the facility files, and based on our spreadsheet, the Lassen County CUPA has 195 facilities in its CUPA inventory (this does not include the 18 UST facilities), 31 of these facilities are URF facilities for an inspection inventory total of 164 facilities. Of the 164 facilities, further investigation and meetings with 11 facilities will be held in early 2010 to determine if these facilities can be given URF status as well. Assuming we will maintain the current inventory of 164, approximately 55 facilities will be need to be inspected on an annual basis to comply with Deficiency 2 requirements, which states that one-third of the regulated businesses be inspected by September 15, 2010. To date, 34 hazmat and hazardous waste sites and 1 CALARP facility have been inspected for a total of 35 inspections conducted. Based on the CUPA inspections conducted since the September 2009 evaluation, the CUPA Program is on track to meet the inspection requirement of one-third of the business plan facilities by September 15, 2010.

CalEMA Response: The inspection plan forwarded by the CUPA is satisfactory, and corrects that part of the deficiency. With the next quarterly update, please report your progress with the total number of business plan inspections conducted since the evaluation.

Deficiency 3: The CUPA's facility files did not include all elements required to be maintained under the Business Plan Program elements.

Preliminary Corrective Action(s): Beginning immediately, the CUPA must insure that all elements of the business plan are present, correct and adequately scaled to the facility.

By September 16, 2012, all business plans should be complete and accurate.

CUPA Corrective Action, (Update 1): The Lassen County CUPA, during each business plan facility inspection, has provided each facility a new business plan package for the facility owner/operator to complete and submit to the CUPA. During the inspection, the inspector reviews the requirements of each facility business plan with owner/operator, so that when the business plan is completed, it will have all elements of the business plan present, correct and adequately scaled to the facility. Several facilities have taken advantage of CUPA staff's offer to meet and review the business plan requirements to ensure that the documents are completed correctly.

CalEMA Response: The CUPA's plan to ensure the business plan is complete and up to date at the time of inspection is satisfactory. Since the resolution of this deficiency is tied to the resolution to deficiency #2, Cal EMA considers this deficiency corrected with the submission of the action plan.

Deficiency 4: The CUPA's area plan did not include a reporting form similar to the model form found in 19 CCR, Chapter 4, Article 3.

Preliminary Corrective Action(s): With the first Update report due on December 15, 2009, the CUPA will submit a reporting form that meets the criteria of 19 CCR 2720(d).

CUPA Corrective Action, (Update 1): See attached "Optional Model Reporting Form- Area Plan"

CalEMA Response: The form forwarded by the CUPA is satisfactory, but the CUPA must ensure that it is included with the area plan. This deficiency has been corrected.

Deficiency 5: The CUPA is not accurately reporting informal enforcement activities on the Annual Enforcement Summary Report 4.

Preliminary Corrective Action(s): By September 30, 2010, the CUPA will ensure informal enforcement actions are accurately tracked and reported in the 2009/2010 Annual Summary Report 4.

Please submit a copy of Summary Report 4 with Update 4, due September 12, 2010.

CUPA Corrective Action, (Update 1): The Lassen County CUPA has placed a correspondence log in each facility file. Staff is tracking all communications with facility operators as well as other correspondence regarding the facility.

This information will be a useful tool in tracking informal enforcement activities as well as other activities related to the facility, and will help the CUPA accurately track and report informal enforcement activities on the 2009/2010 Annual Summary Report 4.

Cal/EPA Response: Cal/EPA looks forward to reviewing the Annual Summary Report 4 in September, 2010.

Deficiency 6: The CUPA is not annually reviewing their Inspection and Enforcement (I&E) Plan.

It appears that the CUPA has not reviewed their I&E Plan since the original was submitted with the CUPA application in 2001.

Preliminary Corrective Action(s): By the first update due on December 15, 2009 the CUPA will review and update the I&E Plan as necessary. A report on the review of, and any changes made to, the I&E Plan shall be submitted with Update 1.

CUPA Corrective Action, (Update 1): The Lassen County CUPA has reviewed the Lassen County Inspection and Enforcement (I&E) Plan. Currently the I&E is part of the CUPA application package submitted to the State, however, the I&E Plan will be broken out and placed in a separate binder as a stand alone document. The I&E Plan, for the most part, is still current and accurate, however some minor changes/updates are needed. Due to limited contract staff, and the training of new CUPA staff, a final revision has not been completed. It is anticipated that the final revision will be completed by the next quarterly update.

CalEPA Response: Please continue to keep Cal/EPA updated on the status of Lassen County's I&E Plan update with the next quarterly report.